

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 64020

David Collins

41 Kinship Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 12, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 1B01.1D, failure to eliminate open dump conditions on residential property known as 41 Kinship Road, 21222.

On July 21, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Buc Thompson issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 7, 2009 for removal of open dump/junk yard, removal of trash and debris from property. This Citation was issued on July 21, 2009.

B. Photographs taken August 11, 2009 of the rear yard of this attached rowhome show a large pile of junk and debris, including what appears to be demolition debris, scrap lumber and plywood, and cardboard. This violates prohibitions against the accumulation of junk, trash and debris on residential property and against the creation of harborage for rats. Respondent must remove all junk, trash and debris from the premises.

C. Court records indicate the property is in foreclosure proceedings. Respondent failed to attend this Hearing and has not responded to the County's notices. If Respondent does not correct the violation within the time provided below, the County will be authorized to remove the junk and debris at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent corrects the violation by August 28, 2009. If the Respondent fails to correct the violations, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that after August 28, 2009, Baltimore County may enter the property for the purpose of removing all junk, trash and debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 18th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer